

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 4, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0956 to 2005-0973
ORDINANCES – 2005-1116 to 2005-1132
RESOLUTION – None

2005-0955-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Edwards

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

Motion 2005-0956 – Suspend rules to consider Item 1 out of order

1. Motion 2005-0957

RECOMMENDATION from the Director of the Department of Finance and Administration to consider at a future time the adoption of a tax rate of \$.650/\$100 of value for Tax Year 2005, which is the same total tax rate that was levied by the City for Tax Year 2004, and authorize the scheduling of two public hearings on the proposal

SUGGESTED HEARING DATES - 9:30 A.M. - WEDNESDAY - OCTOBER 12, 2005 and
9:00 A.M. - WEDNESDAY - OCTOBER 19, 2005

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

Motion 2005-0958 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 5, 2005 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

MAYOR'S REPORT

Motion 2005-0959 – Accept report

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING
THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 2 through 20

MISCELLANEOUS - NUMBERS 2 and 3

2. Motion 2005-0965

REQUEST from Mayor for confirmation of the appointment of **DR. SAMUEL H. SMITH, SR.** to Position Nine of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as FOURTH WARD**, for a term to expire June 8, 2006

3. Motion 2005-0966

REQUEST from Mayor for confirmation of the appointment of **MS. JACQUELINE BOSTIC**, to Position Six of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as FOURTH WARD**, for a term to expire June 8, 2006

DAMAGES - NUMBER 4

4. Motion 2005-0969

RECOMMENDATION from City Attorney for settlement of lawsuit styled **HEATHER ARLINGTON STEIN v. City of Houston**; in the 125th Judicial District Court of Harris County, Texas; Cause No. 2004-36062 - \$26,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 5 through 8

5. Council Members Green and Galloway tagged

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$4,166,772.94 and acceptance of work on contract with **SPAW GLASS CONSTRUCTION CORPORATION** for Jones Hall for the Performing Arts Travertine Wall Cladding Repairs, GFS B-0071-01-3 - 03.76% over the original contract amount - **DISTRICT I - ALVARADO**

6. Motion 2005-0970

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$824,057.93 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Replacement of Multi-use Pavilions at Clinton Park and Gutierrez Park, GFS F0466-01-3 04.84% over the original contract amount - **DISTRICTS C - GOLDBERG; H - GARCIA and I - ALVARADO**

7. Council Member Galloway tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,947,737.39 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Mesa Drive Reconstruction - Contract "A", GFS N-0680-01-3 (N-0680-01) - 02.54% over the original contract amount - **DISTRICT B - GALLOWAY**

8. Motion 2005-0973

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$67,410.00 and acceptance of work on contract with **T&C CONSTRUCTION, LTD.** for Installation of Pipe Taps at Various Lift Stations, GFS R-0267-B9-3 (4276-40) - 01.23% under the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 10

9. Motion 2005-0967

AMEND MOTION #2003-1357, 12/12/03, TO INCREASE the spending authority from \$155,200.00 to \$194,000.00, for Ambulance, Pumper and Ladder Truck Replacement Parts Contracts for Fire Department, awarded to **EMERGENCY VEHICLES OF TEXAS, INC** and to **PEARLAND ALTERNATOR CO., INC**

10. Motion 2005-0968

BERGER CONSTRUCTION COMPANY for Modular Building Build-Out for Department of Public Works & Engineering - \$216,416.00 and contingencies for a total amount not to exceed \$227,236.80

ORDINANCES - NUMBERS 11 through 20

11. Ordinance 2005-01118

ORDINANCE amending third amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a second amendment to the Credit Agreement, a fourth amended and restated Issuing and Paying Agency Agreement and a fourth amended and restated Dealer Agreement and an updated Offering Memorandum; and declaring an emergency

12. Ordinance 2005-1119

ORDINANCE issuing permit to **MEMORIAL HERMANN HOSPITAL SYSTEM**, for constructing using, occupying, operating, maintaining and repairing tiebacks within the Fannin and North MacGregor Street rights of way, public street rights of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS**

13. Ordinance 2005-1120

ORDINANCE appropriating \$133,750.00 out of Water & Sewer System Consolidated Construction Fund to contract between the City and **COASTAL SECURITIES** for Financial Advisory Services; appropriating \$75,000.00 out of Street & Bridge Consolidated Construction Fund to contract with **FIRST SOUTHWEST COMPANY** for Financial Advisory Services; allocating certain other funds to the Financial Advisory Contracts - \$177,500.00 - Enterprise Fund

14. Ordinance 2005-1121

ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS** at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY**

15. Ordinance 2005-1122

ORDINANCE approving and authorizing contract for debris removal related to Hurricane Rita between the City of Houston and **DRC, INC** - Not to exceed \$400,000.00 - FEMA and General Funds

16. Ordinance 2005-1123

ORDINANCE amending Ordinance No. 2001-0340 to increase the maximum contract amount to a contract between the City of Houston and **REPUBLIC WASTE SERVICES OF HOUSTON** for Non-Hazardous Waste Collection, Transportation and Disposal Services for Various Departments \$440,038.27 - General Fund

ORDINANCES - continued

17. Ordinance 2005-1124

ORDINANCE authorizing settlement agreement and release between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to settle claims arising out of contract for Solid Waste Disposal Services between the City of Houston and **REPUBLIC**

18. Ordinance 2005-1125

ORDINANCE awarding contract to **BIO LANDSCAPE & MAINTENANCE, INC** for Neighborhood Cleanup Services for Houston Police Department; providing maximum contract amount \$983,721.81 - CDBG Funds - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; H - GARCIA and I - ALVARADO**

19. Ordinance 2005-1117

ORDINANCE appropriating \$1,390,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in the Scarborough Area, GFS S-0035-D4-3 (WA10795); setting deadline for the bidder's execution of contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

20. Ordinance 2005-1126

ORDINANCE appropriating \$133,413.42 out of Street & Bridge Construction Fund as an additional appropriation for contract with **SILVA, INC** for a Citywide Generic Overlay Project, GFS N-1037-36-3 (OL2036) (approved by Ordinance No. 2002-0128) - **DISTRICTS C - GOLDBERG; D - EDWARDS and I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 21

MISCELLANEOUS

21. Council Members Quan and Alvarado tagged

REVIEW of the record and make determination of the appeal filed by Teresa Argueta on the decision of the General Appeals Board for denial of an extension of a Manufactured Home Hardship Permit at 7911 Brays, Houston, Texas 77012 - **DISTRICT I - ALVARADO**

MATTERS HELD - NUMBERS 22 through 32

Motion 2005-0961 – Suspend rules to consider Items 22 and 24 out of order

22. Motion 2005-0963 – Postpone thirty (30) days

ORDINANCE terminating **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE TIRZ)**; containing findings and provisions related to the foregoing subject; providing a severability clause - **DISTRICT H - GARCIA**

POSTPONED BY MOTION 2005-837, 8/31/05

This was Item 32 on Agenda of August 31, 2005

MATTERS HELD – continued

23. Motion 2005-0971 – Adopt

RECOMMENDATION from Finance & Administration Department to **AMEND MOTION #1999-617, 4/14/99, TO EXTEND** expiration date from October 13, 2005 to March 31, 2006, and **TO INCREASE** spending authority by \$820,784.80 from \$2,051,962.00 to \$2,872,746.80, for Soft Body Armor for the Houston Police Department, awarded to **LONE STAR UNIFORMS, INC** General Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 6 on Agenda of September 28, 2005

Motion 2005-0964 – Amend Item 24 to delete the deleting of one (1) Deputy Administrator-Identification Division position and one (1) Captain position

24. Ordinance 2005-1116 – Adopt as amended

ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2005-134 by adding two hundred (200) Senior Police Officer positions and one (1) Identification Officer position and by deleting two hundred fifty (250) Police Officer positions, ~~one (1) Deputy Administrator-Identification Division position, one (1) Captain position~~ and one (1) Assistant Chief Toxicologist position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance - **TAGGED BY COUNCIL MEMBERS WISEMAN, GARCIA,**

ALVARADO, KHAN, SEKULA-GIBBS, QUAN, BERRY, ELLIS, EDWARDS and GALLOWAY

This was Item 8 on Agenda of September 28, 2005

25. Ordinance 2005-1127

ORDINANCE approving and authorizing the creation of contractual obligations for goods or services included on Hurricane Katrina-related Project Worksheets submitted to the Federal Emergency Management Agency (FEMA) with expenditures to be made only from FEMA receipts

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 9 on Agenda of September 28, 2005

26. Ordinance 2005-1128

ORDINANCE amending amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series E; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a second amended and restated Credit Agreement, a second amended and restated Dealer Agreement, a second amended and restated Issuing and Paying Agency Agreement and an updated Offering Memorandum; and declaring an emergency - **TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 11 on Agenda of September 28, 2005

27. Ordinance 2005-1129

ORDINANCE approving and authorizing distribution of the Preliminary Official Statement related to the City of Houston, Texas, Certificates of Obligation, Series 2005D, and City of Houston, Texas, Public Improvement Refunding Bonds, Series 2005E; approving or declaring other matters incidental to the issuance and sale of such obligations; making various findings and provisions related thereto; and declaring an emergency

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 12 on Agenda of September 28, 2005

28. Ordinance 2005-1130

ORDINANCE consenting to the addition of 29.548 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 13 on Agenda of September 28, 2005

MATTERS HELD – continued

Motion 2005-0960 – Suspend rules to consider Item 29 out of order

29. Motion 2005-0962 – Postpone two (2) weeks

ORDINANCE issuing permit to **VALERO LOGISTICS OPERATIONS, L.P.** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**

This was Item 15 on Agenda of September 28, 2005

30. Ordinance 2005-1131

ORDINANCE approving and authorizing first amendment to contract between the City and **SMART CITY NETWORKS, LP** for Telecommunications Services at the George R. Brown Convention Center - 30 days - **TAGGED BY COUNCIL MEMBER BERRY**

This was Item 16 on Agenda of September 28, 2005

31. Ordinance 2005-1132

ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to Contract C56063 between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$127,587.68 - General, Grant, Enterprise and Other Funds - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 17 on Agenda of September 28, 2005

32. Motion 2005-0972 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Planning & Development Department to approve amendments to the 2004 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2005 MTFP in map form

POSTPONED BY MOTION #2005-949, 9/28/05

This was Item 25 on Agenda of September 28, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

10/4/2005 – Council Member Galloway absent due to being ill

Council Member Goldberg absent on personal business

10/5/2005 – All Present